

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 13-13123-RGS

MANSON BROWN

v.

JOSEPH PEPE, ET AL.

SUPPLEMENTAL ORDER ON MOTION FOR WAIVER OF
FURTHER PAYMENT OF FILING FEE

September 21, 2020

STEARNS, D.J.

Having previously allowed Manson Brown's Motion to Waive Filing Fee [Dkt #62], it has been pointed out that, under the *in forma pauperis* (IFP) statute at 28 U.S.C. 1915(b), the payment requirements are set by Congress and therefore there is no statutory authority for a court to waive its requirements. See *Messere v. White*, 2014 WL 202759, at *2 (D. Mass. Jan. 15, 2014) (O'Toole, J.) ("Having filed the complaint, plaintiffs and the Court are both statutorily limited by the strictures of 28 U.S.C. § 1915. . . . The PLRA 'makes no provision for return of fees partially paid or for cancellation of the remaining indebtedness.'") (quoting *Goins v. Decaro*, 241 F.3d 260, 261 (2d Cir.2001)); *Calderon v. Dickhaut*, 2011 WL 3652766, at *1 (D. Mass. Aug. 17, 2011) ("In enacting the PLRA, Congress has left little discretion to the courts

in this area Accordingly, this Court is required to assess an initial partial filing payment and collect subsequent payments on an incremental basis “until the filing fees are paid.” 28 U.S.C. § 1915(b)(1), (2).”); *Fowlkes v. Dennehy*, No. C.A. 05-11749-JLT, 2010 WL 4456147, at *1 (D. Mass. Nov. 4, 2010) (“This Court is unaware of any statutory authority by which a prisoner's filing fee obligations under the in forma pauperis statute may be vacated in whole or in part while imprisoned, nor has Plaintiff cited to any legal authority supporting his request for a waiver or deferment of any of his filing fee obligations. In enacting the PLRA, Congress has left little discretion to the courts in this area; under 28 U.S.C. § 1915(b)”). Regrettably, the court is bound by this statute and must supplement its earlier Order and DENY Mr. Brown's motion.

SO ORDERED.

/s/ Richard G. Stearns
UNITED STATES DISTRICT JUDGE